REMARKS

I. Introduction

Claims 11-23 are pending in the present application. No amendment has been presented.

Applicants respectfully request that the Examiner provide the following in the next Office Action: a) acknowledgment of the claim for foreign priority; and b) an indication whether certified copies of the priority documents have been received.

II. Rejection of Claims 11-23 (in view of Byon and Stopczynski)

Claims 11-23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,658,011 ("Byon") in view of U.S. Patent No. 6,519,519 ("Stopczynski"). Applicants respectfully submit that this rejection should be withdrawn for at least the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. See KSR Int'l Co. v. Teleflex, Inc., 82 U.S.P.Q.2d 1385 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Id., at 1396. To the extent that the Examiner may be relying on the doctrine of inherent disclosure in support of the obviousness rejection, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent

characteristics necessarily flow from the teachings of the applied art." (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Independent claim 11 recites, in relevant parts, "triggering activation of at least one system that is assigned to a seat of the vehicle occupant and is configured to be reversibly activated, if the value of the loss of the tire pressure of at least one tire exceeds a threshold value, wherein exceeding of the threshold value corresponds to a sudden pressure loss occurring in a tire blowout." Independent claim 17 recites substantially similar limitation as the above-recited limitation of claim 11.

In support of the rejection, the Examiner contends that Byon teaches "[a] triggering control unit (element 140) for triggering activation of the at least one system that is assigned to the seat of the vehicle occupant, if the value of the loss of the tire pressure of the at least one tire exceeds the threshold value, wherein exceeding of the threshold value corresponds to a sudden pressure loss occurring in a tire blowout (Fig. 3)." The Examiner further contends that although "Byon does not disclose that the system that is assigned to a seat of the vehicle occupant is configured to be reversibly activated, . . . Stopczynski discloses the use of a reversible seat belt pretensioner to protect vehicle occupants (Fig. 4A, element 4A) in response to any one of a number of hazards occurring in a vehicle, which are detected and sensed by a crash evaluation circuit, including the loss of tire pressure (Fig. 1, col. 4, lines 40-67 to col. 6, line 24)." However, Applicants respectfully submit that the overall teachings of Byon and Stopczynski clearly do not support the obviousness rejection, as explained in detail below.

First, in contrast to the Examiner's assertion, Byon does not actually teach "**triggering activation** of the at least one system that is assigned to the seat of the vehicle occupant, **if the value of the loss of the tire pressure of the at least one tire exceeds the threshold value**, wherein exceeding of the threshold value **corresponds to a sudden pressure loss occurring in a tire blowout**"; instead, Byon merely teaches that the triggering of the air bag depends on **a combination of signals**, i.e., the signal from the

pressure sensors 122 and the signals from the first and second collision sensors 112 and 114, and it is clearly indicated in Byon that the **triggering of the air bag does not take place unless** at least one collision sensing signal is generated by either sensor 112 or 114, **even if** pressure sensor 122 generates a pressure sensing signal indicating a tire flat. (See, e.g., Byon col. 6, l. 66 – col. 7, l. 23). Accordingly, Byon's triggering of the restraint means doesn't solely depend on the pressure sensor value corresponding to a tire blowout. Furthermore, Stopczynski does not teach that the triggering of the reversible restraint means is solely dependent on the tire pressure sensor signal, let alone solely dependent on the tire pressure sensor signal corresponding to a tire blowout; instead, Stopczynski merely mentions that sensor system 18 includes a tire pressure sensor, (col. 4, l. 44), but there is no indication regarding how the signal from the tire pressure sensor is used by the passive countermeasure system 26, let alone any suggestion that a tire pressure sensor signal corresponding to a tire blowout is used by the passive countermeasure system 26 as the sole criterion for triggering the pretensioner (see, e.g., col. 6, l. 1-10). Therefore, even if one assumed for the sake of argument that some motivation existed for combining the teachings of Byon and Stopczynski (with which assumption Applicants do not agree), the overall teachings of Byon and Stopczynski would not suggest the claimed feature of "**triggering activation** of the at least one system that is assigned to the seat of the vehicle occupant, **if the value of the loss of the tire pressure of the at least one tire exceeds the threshold value**, wherein exceeding of the threshold value **corresponds to a sudden pressure loss occurring in a tire blowout**."

For at least the foregoing reasons, claims 11 and 17, as well as their dependent claims 12-16 and 18-23, are allowable over the combination of Byon and Stopczynski.

III. Rejection of Claims 11-23 (in view of Class and Byon)

Claims 11-23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,533,321 B2 ("Class") in view of Byon. Applicants respectfully submit that this rejection should be withdrawn for at least the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. See KSR Int'l Co. v. Teleflex, Inc., 82 U.S.P.Q.2d 1385 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Id., at 1396. To the extent that the Examiner may be relying on the doctrine of inherent disclosure in support of the obviousness rejection, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art." (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Independent claim 11 recites, in relevant parts, "triggering activation of at least one system that is assigned to a seat of the vehicle occupant and is configured to be reversibly activated, if the value of the loss of the tire pressure of at least one tire exceeds a threshold value, wherein exceeding of the threshold value corresponds to a sudden pressure loss occurring in a tire blowout." Independent claim 17 recites substantially similar limitation as the above-recited limitation of claim 11.

In support of the rejection, the Examiner contends that although "Class does not disclose an analysis unit for analyzing the pressure of the at least one tire to determine whether a value of a loss of the pressure of the at least one tire exceeds a threshold value, . . . Byon teaches the use of a safety system for protecting a vehicle occupant comprising an

analysis unit for analyzing the pressure of the at least one tire to determine whether a value of a loss of the pressure of the at least one tire exceeds a threshold value (Fig. 2-3, elements 120)." However, the overall teachings of Class and Byon clearly do not support the obviousness rejection. First, as acknowledged by the Examiner, Class clearly does not teach or suggest "triggering activation of at least one system that is assigned to a seat of the vehicle occupant . . . **if the value of the loss of the tire pressure** of at least one tire exceeds a threshold value, wherein exceeding of the threshold value **corresponds to a sudden pressure loss occurring in a tire blowout**"; instead, Class merely teaches activation of a belt pretensioner depending on a plurality of sensor signals including the tire pressure signal (col. 4-5), but a tire blowout situation is not mentioned at all, let alone actuating the belt pretensioner solely dependent on the tire pressure signal. Furthermore, as previously discussed above, Byon merely teaches that the triggering of the air bag depends on **a combination of signals**, i.e., the signal from the pressure sensors 122 and the signals from the first and second collision sensors 112 and 114, and it is clear that Byon's triggering of the restraint means doesn't solely depend on the pressure sensor value corresponding to a tire blowout. Therefore, even if one assumed for the sake of argument that some motivation existed for combining the teachings of Class and Byon (with which assumption Applicants do not agree), the overall teachings of Class and Byon would not suggest the claimed feature of "**triggering activation** of the at least one system that is assigned to the seat of the vehicle occupant, **if the value of the loss of the tire pressure of the at least one tire exceeds the threshold value**, wherein exceeding of the threshold value **corresponds to a sudden pressure loss occurring in a tire blowout**."

For at least the foregoing reasons, claims 11 and 17, as well as their dependent claims 12-16 and 18-23, are allowable over the combination of Class and Byon.

IV. Conclusion

In view of all of the above, it is respectfully submitted that all of the presently pending claims 11-23 are in allowable condition. Prompt reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,

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